

No. 9/5/84-6Lab/10951.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s (i) Chairman, Haryana Forest Development Board, Chandigarh. (ii) Forest Divisional Officer, Production Division, Rohtak.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 56 of 1985

between

SHRI RAM NARAIN, WORKMAN AND THE MANAGEMENT OF M/S (i) CHAIRMAN, HARYANA FOREST DEVELOPMENT BOARD, CHANDIGARH, (ii) FOREST DIVISIONAL OFFICER, PRODUCTION DIVISION, ROHTAK

None for the parties.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Ram Narain and the management of M/s (i) Chairman, Haryana Forest Development Board, Chandigarh, (ii) Forest Divisional Officer, Production Division, Rohtak, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 15695—703. dated 16th April, 1985 :—

Whether the termination of services of Shri Ram Narain is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Chowkidar since 9th December, 1981 but the respondent choose to terminate his services unlawfully with effect from 11th September, 1984 without any prior notice or payment of any retrenchment compensation. So, he has alleged that his termination was illegal and arbitrary and as such, he has claimed reinstatement with all benefits thereof.

3. The workman absented before any filing claim statement. He was given three opportunities to do so. On 4th November, 1985 neither the workman nor the employer appeared in the Court. The only inference possible is either the parties have compromised or the workman is not interested in prosecution of his claim. So, the same is dismissed for non-prosecution and answered accordingly with no order as to cost.

Dated the 5th December, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 56-85/1961, dated 11th December, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/10952.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s General Manager, The Sonapat District Co-operative Milk Producer Union Ltd., Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 59 of 1985

between

SHRI PREM SINGH, WORKMAN AND THE MANAGEMENT OF M/S GENERAL MANAGER, THE SONEPAT DISTRICT CO-OPERATIVE MILK PRODUCER UNION LTD., SONEPAT

None for the workman.

Shri K. L. Nagpal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute, between the workman Shri Prem Singh and the management of M/s General Manager, The Sonapat District Co-operative Milk Producer Union Ltd., Sonapat, to this Court, for adjudication,—vide Labour Department Gazette Notification No. 15734—39, dated 15th April, 1985:—

Whether the termination of services of Shri Prem Singh is justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The petitioner appeared. Upon the notice issued to the respondent there was a report that the respondent was not available on the address given. So, the workman was directed to file a fresh address. He filed a fresh address impleading Rohtak District Co-operative Milk Producer Union, Rohtak. On behalf of the said union Shri K. L. Nagpal appeared and raised an objection that without proper impleading the union no notice should have been issued. On the other hand, the workman stated that the Sonapat District Co-operative Milk Producer Union has since gone into liquidation and the affairs of the said union are being looked after by the Rohtak Union. In that behalf, the workman was directed to approach the Government of Haryana for properly impleading the respondent, so, that there could be no difficulty in granting relief to the workman if his claim is upheld. The workman did not appear on the date fixed.

3. The case of the petitioner is that he was employed with the respondent as a Secretary-cum-Supervisor since 14th October, 1976 and that his services were terminated by the respondent on 1st November, 1980 without any prior notice and payment of retrenchment compensation and as such he has alleged that his termination was illegal and arbitrary and so, he has prayed reinstatement with continuity of service and full back wages.

4. As already observed, the workman has not appeared to prosecute the reference nor is there any intimation as to whether he has moved the Government of Haryana for properly impleading the respondent in this case. The only inference possible is that the workman is not interested in prosecution of this reference. So, the same is dismissed and answered and returned accordingly with no order as to cost.

B. P. JINDAL,

Dated the 5th December, 1985.

Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 59-85/1962, dated the 11th December, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/10991.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Golden Rubber, Golden Rolls (P) Ltd., village Rasoi, P.O. Nathupur, district Sonapat.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 61 of 1985

between

SHRI PREM PAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S GOLDEN RUBBER,
GOLDEN ROLLS (P) LTD., VILLAGE RASOI, P.O. NATHUPUR, DISTRICT SONEPAT

Shri Bahadur Yadav, A. R. for the workman.

Shri Gulshan Sachdeva, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Prem Pal Singh and the management of M/s Golden Rubber, Golden Rolls (P) Ltd, Village Rasoi, P.O. Nathupur, District Sonapat, to this Court, for adjudication,—vide Haryana Government Gazette, Notification No. 18239—44, dated 24th April, 1985 :—

Whether the termination of services of Shri Prem Pal Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a helper since the year 1979 on monthly wages of Rs 376 and that the petitioner fell ill on 12th June, 1984 and was under the treatment of ESI Hospital and when he returned to resume his duties on 19th June, 1984 alongwith the fitness certificate, he was not allowed to do so by the respondent and in this way the respondent terminated his services unlawfully and that various complaints filed by him with the Labour Department proved of no avail and hence he was constrained to raise a demand notice resulting in the present reference by the Government of Haryana.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Various pleas propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. Before any issues could be framed, happily a settlement was arrived at, whereunder, the respondent paid a sum of Rs 1,400 to the petitioner in full and final satisfaction of his claim. In that behalf, statement of the workman was recorded. So, now, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 5th December, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,

Endst. No. 61-85/1963, dated the 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/10992.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court Rohtak in respect of the dispute between the workman and the management M/s. Administrator, Municipal Committee, Kosli, Rohtak:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 70 of 85

between

SHRI SURESH KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. ADMINISTRATOR, MUNICIPAL COMMITTEE, KOSEI, ROHTAK,

Present :

Shri V. S. Singal, A. R. for the workman.
one for the Nmanagement.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Suresh Kumar and the management of M/s. Administrator, Municipal Committee, Kosli (Sonapat), to this Court, for adjudication.—*vide* Haryana, Govt. Gazette Notification No. 20068-73 dated 2nd May, 1985.

Whether the termination of services of Shri Suresh Kumar is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. Both the parties appeared. The case of the workman is that he was employed with the respondent as a sweeper on 30th March, 1984 and that his services were terminated on 12th April, 1984 and that his termination is unlawful and illegal, because no prior notice was given to him.

3. Subsequently the respondent absented, before any reply could be filed and as such, he was ordered to be proceeded *ex parte*.

4. In *ex parte* evidence the workman appeared as WW-1 and made a statement completely in corroboration of his claim. But the question would be as to whether the workman is entitled to any relief or not because the workman has put in only twelve days of service with the respondent under section 2(00) of the Industrial Disputes Act, 1947, which defines the term 'retrenchment'. The workman has not put in 240 days of actual work with the respondent. So, he is not entitled to any benefits as envisaged under section 25F of the Industrial Disputes Act, 1947 and as such, the claim of the workman is not tenable. He is not entitled to any relief. The reference is answered and returned accordingly with no orders as to cost.

Dated the 5th December, 1985.

B. P. JINDAL,

Presiding Officer,

Labour Court,
Rohtak.

Endst. No. 7085/1964, dated the 11th December, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947

B. P. JINDAL,

Presiding Officer,

Labour Court,
Rohtak.

No. 9/5/84-6Lab/10993:—In pursuance of the provisions of Section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the Workman and the management of M/s. Swastik Laminating Industries, M.I.E. Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 114 of 1985

between

SHRI RAM BIR WORKMAN AND THE MANAGEMENT OF M/S. SWASTIK LAMINATING INDUSTRIES, M. I. E. BAHADURGARH

Present:—

None for the workman.

Shri M. M. Kaushal, A.R. for the Management,

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Rambir and the management of M/s. Swastik Laminating Industries, MIE, Bahadurgarh, to this Court for adjudication.— vide *Haryana Government Gazette* Notification No. 32098-103, dated 30th July, 1985.

Whether the termination of services of Shri Rambir is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed with the respondent as a Tailor for the last about ten years on monthly wages of Rs. 575 but the respondent restrained him from performing his duties with effect from 24th January, 1985 and as such, terminated his services in complete disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in toto. Pleas propounded need not be detailed, because this reference is being answered on grounds than merits.

4. On 15th October, 1985 the workman was not present and one Shri Suresh Kumar, who had no lawful authority to represent the workman appeared in the Court. So, the only inference possible was that the workman was not interested in prosecution of this reference. No fresh notice could be given to the workman, because his address on the order of reference was through union. So, notice was given to the union, but none appeared. So, this reference is dismissed for non prosecution and answered accordingly with no order as to cost.

Dated, the 5th December, 1985.

B. P. JINDAL.

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 114-85/1965, dated 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9584-6Lab/10994.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Raghunath Industries, M. I. E., Bahadurgarh

THE HON. SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 119 of 1985

between

SHRI RAM MEHAR, WORKMAN AND THE MANAGEMENT OF M S RAGHUNATH INDUSTRIES,
MIE, BAHADURGARH

Present :—

None for the parties.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Ram Mehar

and the management of M/s Raghunath Industries, MIE, Bahadurgarh, to this Court, for adjudication, —vide Haryana Government Gazette Notification No. 32408-13, dated the 1st August, 1985 —

Whether the termination of service of Shri Ram Mehar is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was appointed as a Helper with the respondent for the last about 15 years, but the respondent chose to terminate his services with effect from 16th April, 1985 after giving a complete go-bye to the provisions of the Industrial Disputes Act, 1947

3. After the respondent had put in appearance and the case was posted for filing claim statement by the workman, both the workman and the respondent absented. The only inference possible is that either the workman has settled his claim with the respondent or he is not interested in prosecution of the reference. So, the same is dismissed and answered accordingly

There is no order as to cost.

B. P. JINDAL,

Dated, the 5th December, 1985.

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 119-85/1966, dated the 11th December, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/11299. — In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Jagadhri Co-operative Marketing Processing Society Ltd., Jagadhri:

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,

AMBALA

Reference No. 76 of 1985

between

SHRI DHARAM PAUL, WORKMAN AND THE MANAGEMENT OF THE MESSRS JAGADHRI
CO-OPERATIVE MARKETING PROCESSING SOCIETY LTD., JAGADHRI

Present:

None for the workman.

Shri S. Bindra for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred this dispute between Shri Dharam Paul, workman and the management of the Messrs Jagadhri Co-operative Marketing Processing Society Ltd., to this Court. The terms of reference are as under:—

“Whether the termination of services of Shri Dharam Paul, workman, is justified? If not, to what relief is he entitled to?”

Shri Dharam Paul through his demand notice alleged that he was employed in the service of respondent. His services were terminated illegally on 18th November, 1984 in contravention of section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for relief of his re-instatement with continuity in service and with back wages.

Notice of this application was served upon respondent. Respondant fail to appeared in spite of service, *Ex-parte* proceedings were taken up. Thereafter, respondent appeared at their request. *Ex-parte* proceedings were set-aside on 9th October, 1985. The case was fixed for 5th November, 1985 for filing claim statement. On that day neither workman nor his authorised representative appeared. So the reference is dismissed in default.

Dated, the 5th November, 1985.

V. P. CHAUDHARY.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 3013, dated the 5th December, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY.

Presiding Officer,
Labour Court, Ambala.

The 16th January, 1986

No. 9/5/84-6Lab./11452. -In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Sahara Deposits and Investments, Chandigarh :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 283 of 1984

SHRI B. S. SETHI, WORKMAN AND THE MANAGEMENT OF THE MESSRS SAHARA DEPOSITS AND INVESTMENTS, CHANDIGARH

Present.—

Shri J. R. Sharma for the workman.

None for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred vide clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred this dispute originally to Labour Court, Faridabad, between Shri B.S. Sethi workman and the Messrs General Manager, Sahara, Deposits and Investments. The terms of the reference are as under:—

Whether the termination of services of Shri B. S. Sethi, workman, was justified and in order? If not, to what relief is he entitled to?

Labour Court, Ambala, constituted in April 1984, then the reference was referred by him for.

Shri B. S. Sethi, workman has alleged that he was appointed as a business Manager by the respondent on 2nd August, 1981 by Shri J. S. Bajwa, Director, Sahara Savings and finance Private Ltd. His consolidated pay was fixed Rs. 1,000 P. M. The General Manager became jealous from the workman and he terminated services of the workman from 16th April, 1982, service of that later was effected upon him on 7th May, 1982. The workman further alleged that since General Manager was not appointed authority, so he had no power to terminate his service. He alleged that termination order be declared null and void not binding upon him. He has prayed for the relief of his reinstatement with continuity in service and with full back wages etc.

Notice was served upon the respondent. inspite of, not service, none appeared. *Ex parte* proceedings were taken up against the respondent management.

Shri B. S. Sethi examined himself in *Ex parte* evidence as A W-1. He has supported the averments mentioned in the claim statement/demand notice.

I have heard Shri Janak Raj learned authorised representative of the workman and have perused the oral and documentary evidence placed on the file, and of the view that from the pleadings as well as own oath statement of B. S. Sethi. It is clear that workman joined service of August, 1981 and his services were dispensed with on 7th May, 1982 so the workman not complete service of 240 days, so his case is not covered under section 25 (F) of the Industrial Disputes Act, 1947.

The bare reading of the termination order Ex-WW-1 makes the whole position clear that there were certain charges of will full disobedience and non-compliance of orders regarding handling of cash. Shri Darshan Singh, G. M. has made statement it clear in the termination later that workman can not be trusted in finance matters and handling of cash. His integrity was found doubtful, so after issuing one month notice, his services were terminated.

The Main plea the workman has demanded in his pleadings is that Shri Darshan Singh, G.M. had no power to terminate his service because his appointing authority was Director of the respondent management. But in support of this plea the workman did not produce the rules or bye-laws of the management which come support his contentions in the business of the same, he has bald statement cannot believe.

In view of my above discussions I think that *Ex parte* evidence is not sufficient to establish the claim of the workman. Accordingly his claim is rejected while holding that the termination order of services of Shri B. S. Sethi is justified. I pass my award regarding the dispute in hand accordingly.

V. P. CHAUDHARY,

Dated 5th December, 1985.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 3027, dated the 5th December, 1985.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6Lab./11453.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Friends Enterprises, Aggarsain Road Near Maharaja Aggarsain College, Jagadhri :—

IN THE COURT OF SHRI V.P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 442 of 1984

SHRI GOPI RAJ, WORKMAN AND THE MANAGEMENT OF MESSRS FRIENDS ENTERPRISES,
AGGARSAIN ROAD, NEAR MAHARAJA AGGARSAIN COLLEGE, JAGADHRI

Present:—

None for workman.

None for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (c) of sub-section (i) of section (10) of the Industrial Disputes Act, 1947 referred dispute between Shri Gopi Raj, workman and the management of the Messrs Friends Enterprises, Aggarsain Road Jagadhri, originally to Labour Court, Faridabad. The terms of the reference are as under :—

Whether the termination of services of Shri Gopi Raj, was justified and in order? If not, to what relief is he entitled to?

In April 1984 Labour Court, was created at Ambala, so this reference was received by transfer.

Shri Gopi Raj through his demand notice alleged that he remained in the service of respondent management for six years as a buffman and thereafter, his Services were terminated illegally in violation of section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for his re-instatement with continuity in service and full with back wages.

Respondent management was served in spite of, service. He did not appear to contest this case so respondent was proceeded *ex parte*.

The case was adjourn for *ex parte* evidence for 5th December 1985. Today neither workman nor his authorised representative appeared- So the reference is dismissed in default.

Dated the 5th December, 1985.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 3028, dated the 5th December, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6Lab./11454.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Jai Forging and Stamping Pvt. Ltd., Industrial Area Yamuna Nagar,

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 75 of 1985

SHRI RAM KUMAR, WORKMAN AND THE MANAGEMENT OF M/S JAI FORGING
AND STAMPING PVT. LTD., INDUSTRIAL AREA, YAMUNA NAGAR

Present.—

Shri Surinder Sharma for the workman.

Shri P. K. Goyal for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred vide clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Ram Kumar, workman and the management of the M/s Jai Forging and Stamping Private Ltd., Industrial Area, Yamuna Nagar. The terms of the reference are as under :—

“Whether the termination of services of Shri Ram Kumar, workman, is justified if not, to what relief is he entitled to ?”

Shri Ram Kumar workman alleged that he joined service of respondent on 1st July, 1978 as a dial man and worked upto 16th November, 1984. Management terminated his services on 16th November, 1984 in violation of section 25 (F) of the Industrial Disputes Act, 1947. He has prayed for his re-instatement with continuity in service and with back wages.

Respondent on the receipt of notice appeared and compromised with the workman. Compromise is Ex. C-1, it reads that Shri Ram Kumar workman will get Rs 461.85 np in all regarding his complete dues workman also agreed that he is not interested in his re-employment or re-instatement in the service of management. He has waived of all the rights.

In view of above terms of compromise, the case in question, is filed as compromised.

Dated the 9th December, 1985.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.,

Indst. No. 3153, dated the 17th December, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6 Lab./11455.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of the Municipal Committee, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No 290 of 1984

SHRI HARKISHAN WORKMAN AND THE MANAGEMENT OF THE MUNICIPAL
COMMITTEE, JAGADHRI

Present :—

Shri Balbir Singh, for the workman.

Shri S. Bindra, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of the powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, originally referred dispute between Shri Harkishan workman and the Municipality, to Labour Court, Faridabad. The terms of the reference are as under :—

“Whether the termination of services of Shri Harkishan, workman was justified and in order? If not, to what relief is he entitled?”

In April 1984, Labour Court, was constituted at Ambala so this reference was received by transfer.

Shri Harkishan workman alleged that he joined service of respondent on 17th January, 1980 and his services were terminated on 7th October, 1980 in contravention of section 25 (F) of the Industrial Disputes Act, 1947. He has demanded the relief of his re-instatement with continuity in service as well as with full back wages.

Respondent-management contested the dispute and contended that the workman was employed on six months basis on 17th January, 1980 his services were terminated on 7th October, 1980 because his work and conduct were found unsatisfactorily. Moreover his appointment on *ad hoc* basis. This post was subject to appointment of a regular candidate. It was also contended that workman did not complete service more than 240 days. So section 25 (F) is not attracted accordingly, he is not entitled to relief claimed for.

On the pleadings of the parties the following issues were framed :—

Issues :

1. Whether the termination order dated 7th October, 1980 is justified if not its effect? OPM
2. Relief.

I have heard learned authorised representative of the parties and have perused the evidence placed on the file. My issue-wise findings are as under :—

Issue No. 1 :

In support of this issue management examined Shri Antu Ram MW-1 he supported the defence of the management-respondent MW-2 Shri Brij Bhushan Bhardwaj stated that workman remained in service of respondent-management only for 187 days. He produced the copy of total working days which is Ex. M-1.

Shri Harkishan examined himself as MW-I and supported his case as alleged by him in addition to that he stated that his termination was *malafide* because the respondent-management wanted to employ its relations and immediately after termination of his services one Jagbir Singh was employed in his place.

In view of the above evidence I am of the view that according to admission of workman he remained in the service of respondent only for nine months which comes to not more than 137 days. In other words workman did not complete his service more than 240 days. So provisions of section 25 (F) of the Industrial Disputes Act, 1947 are not at all relevant in the case in hand.

So it is also clear that the workman did not complete his service more than 240 days, so question of issuing a notice to workman or making payment of wages in lieu of notice period and making payment of retrenchment compensation does not arise.

The respondent-management was also not under obligation to conduct regular inquiry because the workman was purely employed on six months basis subject to appointment of a regular candidate. In those circumstances the claim of workman is not proved. Hence his termination is justified as well as according to law. He is not at all entitled to relief claimed for. So this issue is decided against the workman in favour of management.

Issue No. 2 :

For the foregoing reasons on the basis of my findings on issue No. 1 case of the workman fails management has been able to establish its termination order as just. In view of above circumstances of this case I pass my award regarding the controversy in hand accordingly.

Dated : 9th December, 1985.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala

Endorsement No. 3154 dated the 17th December, 1985.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

The 22nd January, 1986

No. 9/7/86-6Lab/167. --In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. A. K. I. International (P) Ltd., Bahadurgarh

BEFORE SHRI B.P. JINDAL, PRESIDING OFFICER, LABOUR COURT,

ROHTAK

Reference No. 207 of 1983

between

SHRI RAMA KANT, WORKMAN AND THE MANAGEMENT OF M/S. A.K.I. INTERNATIONAL (P) LTD., BAHADURGARH

Present : --

Petitioner in person.

Shri M. M. Kaushal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following disputes, between the workman Shri Rama Kant, and the management of M/s. A. K. I. International (P) Ltd., Bahadurgarh, to this court, for adjudication,--vide Haryana Government. Gazette Notification No. 58370-75, dated 8th November, 1983:

Whether the termination of services of Shri Rama Kant, was justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent as a Machineman about three years ago on monthly wages of Rs. 383/-, but the respondent chose to terminate his services unlawfully on 20th June, 1983 in gross violation of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted in *to to*. Please propounded need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision on 22nd March, 1985:—

1. Whether the respondent concern has since been closed in the month of July, 1983 ? OPR.
2. Whether the reference is bad in law ? OPR.
3. Whether the termination of services of Shri Rani Kant is justified and in order ? If not, to what relief is he entitled ?

5. After the management had gone through the gamut of all the evidence and the case was fixed for the evidence of the workman, happily a settlement was arrived at, whereunder, the respondent paid a sum of Rs. 1200/- to the petitioner in full and final satisfaction of his claim. In that behalf, statement of the petitioner has been recorded. The amount was paid to the petitioner in my presence. So, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated, the 13th December, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endst. No. 207-83/16, dated the 2nd January, 1986.

Forwarded (two copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I. D. Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

No. 9/7/86-6 Lab/168.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M. S. Maheshwari Company c/o H.N.G. & Industries Ltd., Bahadurgarh (Rohtak).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No 110 of 1985

between

SHRI DEV PARSHAD, WORKMAN AND THE MANAGEMENT OF M. S. MAHESHWARI
COMPANY C/O H.N.G. & INDUSTRIES LTD., BAHADURGARH
(ROHTAK)

Present :—

Shri Suresh Kumar, A.R. for the workman.

None, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Dev Parshad and the management of M/s. Maheshwari Company, c/o H.N.G. and Industries Ltd., Bahadurgarh (Rohtak), to this Court, for adjudication,—*vide Haryana Government Gazette Notification No. 30761-66, dated 25rd July, 1985* :—

Whether the termination of services of Shri Dev Parshad is justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The petitioner appeared but the respondent did not in spite of service through registered notice. The claim of the petitioner is that he was working with the respondent as a Helper for the last about one year but the respondent choose to terminate his service unlawfully on 3rd January, 1985 in gross violation of the provisions of the Industrial Disputes Act, 1947.

3. Since the respondent did not appear in spite of service, *ex parte* proceedings order was passed against the respondent by me on 6th September, 1985.

4. Today, the case was fixed for *ex parte* evidence of the petitioner, who was chosen to make a statement in the Court that he has settled his claim with the respondent and as such, he does not want to prosecute the reference. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated 13th December, 1985.

B. P. JINDAL.

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endst. No. 110-85/17, dated 2nd January, 1986

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

No. 9/7/86-6Lab/169.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Kapoor Electrodes (P) Ltd., Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No 167 of 85.

between

SHRI JAWALA SINGH, WORKMAN AND, THE MANAGEMENT OF M/S. KAPOOR
ELECTRODES (P) LTD., BAHADURGARH.

Present :—

Shri Suresh Kumar, A. R. for the workman.

Shri N. N. Kaushal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Jawala Singh and the management of M/s. Kapoor Electrodes (P) Ltd., Bahadurgarh, to this Court, for adjudication,—*vide* Haryana Government Notification No. 42058-83, dated 11th October, 1985 :

Whether the termination of services of Shri Jawala Singh is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the petitioner is that he was employed with the respondent as a Helper for the last about seven years on monthly wages of Rs. 405 but the respondent choose to terminate his services unlawfully with effect from 29th June, 1985 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. Before any reply could be filed by the respondent, the parties compromised, whereunder, the respondent has paid a sum of Rs. 3,800, to the petitioner in full and final satisfaction of his claim. In that behalf, statement of the Authorised Representative of the petitioner Shri Suresh Kumar has been recorded. Parties has also placed on record settlement and the receipt executed by the petitioner in prove of receipt of the amount. So, now, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Dated 13th December, 1985.

— Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endst No. 167-85/18, dated 2nd January, 1986.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

No. 9/7/86-6Lab/170.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Tacma India Ltd., Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 174 of 85

between

SHRI VED PARKASH, WORKMAN AND THE MANAGEMENT OF M/S TACMA
INDIA LTD., BAHADURGARH

Present :—

Shri K. D. Mandal, A. R. for the workman.

Shri C. K. Agrawal, A.R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Ved Parkash and the management of M/s Tacma India Ltd., Bahadurgarh, to this Court, for adjudication,—*vide* Haryana Government Gazette Notification No. 42312-17, dated 15th October, 1985:—

Whether the termination of service of Shri Ved Parkash is justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the petitioner is that he was working with the respondent as a Generator Operator for the last about two years on monthly wages of Rs 390, but the respondent choose to terminate his services unlawfully with effect from 23rd March, 1985 after giving a complete go-bye to the provisions of the Industrial Disputes Act, 1947.

3. Before any reply could be filed by the respondent, happily a settlement was arrived at and in that behalf, statement of the workman has been recorded, who has stated that he has settled his claim with the management to his entire satisfaction and as such, he does not want to prosecute this reference. So, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 13th December, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endorsement No. 174-85/19, dated the 2nd January, 1986.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

No. 9/786-6Lab 171.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Rawal Industries (P) Ltd., Bahadurgarh.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 181 of 85

between

SHRI BANKE LAL, WORKMAN AND THE MANAGEMENT OF M/S RAWAL INDUSTRIES
(P) LTD., BAHADURGARH

Present.—

Shri Chander Singh, A. R. for the workman.

Shri Sudhir Chadha, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Banke Lal and the management of M/s. Rawal Industries (P) Ltd., Bahadurgarh to this Court, for adjudication,—*vide Haryana Government Gazette Notification No. 3650—55 dated 21th October, 1985*;

Whether the termination of services of Shri Banke Lal is justified and in order? If not to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the petitioner is that he was working as a Packer with the respondent since 1st May, 1980 on monthly wages Rs. 457 and that the respondent choose to terminate his services unlawfully with effect from 16th June, 1985 in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. Before any reply could be filed by the respondent, Authorised Representative of the petitioner made as statement in the Court that the petitioner has settled his claim with the respondent and as such, he does not want to prosecute this reference. So, nothing survives for adjudication. The reference is answered and returned accordingly with no order as to cost.

Dated the 13th December, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

Endst. No. 181-85/20, dated 2nd January, 1986.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak,
Camp Court, Bahadurgarh.

The 3rd February, 1986

No. 9/8,86-6Lab/473.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Kanwal Industries, 5-C/46, NIT, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 158 of 1985

between

SHRI RAJ KISHORE, WORKMAN AND THE MANAGEMENT OF M/S KANWAL
INDUSTRIES, 5-C/46, NIT, FARIDABAD

Present :—

Workman with, Shri D. S. Tawatla.

None, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Raj Kishore and the respondent-management of M/s Kanwal Industries, 5-C/46, NIT, Faridabad, has been referred to this Court, by the Hon'ble Governor of Haryana, vide his order No. ID/FD/5-85/10303—8, dated 14th March, 1985, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Raj Kishore was is justified and in order ?
If not, to what relief is he entitled ?

According to the statement of the workman his services were terminated and the Factory was closed. The factory is still lying closed and the bank has locked the premises. It is, therefore, clear that the services of the workman were terminated because of closure. Hence he is not entitled to be reinstated, as the factory is lying closed. No retrenchment compensation was given at the time of termination. He can claim closure benefit if he so desire, according to law. He is not entitled to any relief under this reference.

The award is given accordingly.

R. N. SINGAL,

Dated the 20th December, 1985.

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 50, dated the 7th January, 1986

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.